



#7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Friedrich et al.

Application No.: 09/680,959

Filed: 10/04/00

Group Art Unit: Unknown

Title: Novel Mutated Mammalian Cells and Animals

Attorney Docket No.: LEX-0051-USA

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231  
Attention: Office of Petitions

Sir or Madam:

During a review of our files, we noticed that we had never received a Filing Receipt for the above identified application. When we contacted the United States Patent & Trademark Office (USPTO) on September 5, 2001, we were notified that a Notice of Missing Parts of a Nonprovisional Application (the "Notice") had been mailed on April 2, 2001, which we had never received. The USPTO then faxed a copy of the Notice on September 10, 2001, after repeated requests. In order to respond in a timely manner, we mailed the Response to Notice to File Missing Parts on October 2, 2001. Because of the short notice, we were unable to obtain the signature of Glenn Friedrich, who had left the country. Because of the lack of Glenn Friedrich's signature, the above-identified application became abandoned for failure to file a timely response to a Notice to File Missing Parts of Application-Filing Date Granted. Applicants are therefore submitting a signed Declaration and Power of Attorney by Glenn Friedrich which will complete the Response of the Notice. Applicants hereby petition for revival of this application on the grounds that the application was unintentionally abandoned because Applicants were given short notice to

03/21/2002 AWONDAF1 00000101 500892 09680959

01 FC:241

640.00 CH

RECEIVED  
MAR 21 2002  
OFFICE OF PETITIONS

BEST AVAILABLE COPY

respond to said Notice to File Missing Parts of Application-Filing Date Granted. Additionally, Applicants have never received a Notice of Abandonment for the above identified application from the USPTO.

Applicants' agent was diligent in monitoring this application as evidenced by Attachment A, a print-out of our docket which shows a reminder date for receiving the Filing Receipt in this matter. A review of this application prompted by the docket reminder allowed Applicants to discover that the application had unintentionally been abandoned. The entire delay in filing the attached Petition and Reply to Notice to File Missing Parts of Application-Filing Date Granted, was unintentional.

Therefore, the Commissioner is authorized to charge \$620.00 to Deposit Account No. 50-0892 as the filing fee for this Petition. If any additional fees are required, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0892.

The entire delay in filing the required response from the due date for the required response until the filing of this petition was unintentional. Therefore, Applicants respectfully request that this case be revived, and that prosecution resume on the merits.

Respectfully submitted,

March 12, 2002

Date

*Lance K. Ishimoto by David W. Hekler* *Reg. No. 41,071*  
DAVID W. HEKLER  
RECEIVED MAR 21 2002  
OFFICE OF PETITIONS  
Lance K. Ishimoto Reg. No. 41,866  
LEXICON GENETICS INCORPORATED  
Telephone No.: (281) 863-3333



24231

PATENT TRADEMARK OFFICE

BEST AVAILABLE COPY

Please type a plus sign (+) inside this box → 

PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



		Application Number	09/680,959
		Filing Date	10/04/00
		First Named Inventor	Friedrich
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	7	Attorney Docket Number	LEX-0051-USA

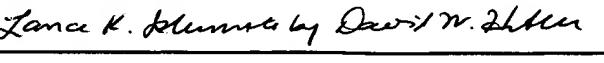
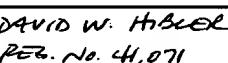
**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input checked="" type="checkbox"/> Petition for Revival of an Application for Patent Abandoned Unintentionally <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard Signed copy of Declaration and Power of Attorney Attachment A
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Remarks	 24231 PATENT TRADEMARK OFFICE

RECEIVED  
MAR 21 2002

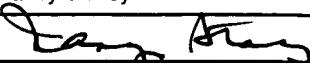
OFFICE OF PETITIONS

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	  DAVID W. HOBEL REG. NO. 44,071
Date	March 12, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 on March 12, 2002

Typed or printed name	Nancy Stacey
Signature	
Date	March 12, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

1ST AVAILABLE COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/680,959	10/04/2000	Glenn Friedrich	LEX-0051-USA

24231  
 LEXICON GENETICS INCORPORATED  
 4000 RESEARCH FOREST DRIVE  
 THE WOODLANDS, TX 77381



CONFIRMATION NO. 9566  
**FORMALITIES LETTER**  
  
 \*OC000000007046752\*

*3/2/02*  
 Date Mailed: 11/09/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 10/02/2001 to the Notice to File Missing Parts (Notice) mailed 04/02/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

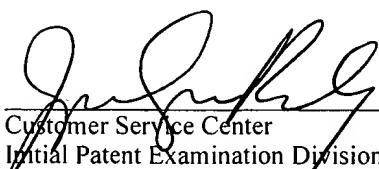
A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Glenn Friedrich*

*RECEIVED  
 MAR 21 2002  
 OFFICE OF PETITIONS*

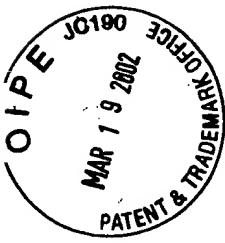
*A copy of this notice MUST be returned with the reply.*

  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

*BEST AVAILABLE COPY*



# Attachment A

## Case Tracking System Reminder List

Date: March 12, 2002

### Date Due Who What Case No Inventor Case Title

Date Due	Who	What	Case No	Inventor	Case Title
1/4/2001	NS	Filing Receipt	LEX-0051-USA	Friedrich	Novel Mutated Mammalian Cells and Animals
10/2/2001	MK	MP - 6 mo date - USA	TT-000316US	Berns	Gene Targeting in Animal Cells Using Isogenic DNA Constructs
10/3/2001	MK	Filing Receipt	LEX-0360-PRV	Walke	Novel Human Kielin-like Proteins and Polynucleotides Encoding the Same
10/5/2001	DDT	check w/PTO on status of app - USA	LEX-0118-USA	Donoho	Novel Human Enzymes and Polynucleotides Encoding the Same
10/7/2001	LKI	PCT Search Report	LEX-0186-PCT	Walke	Novel Human Transporter Proteins and Polynucleotides Encoding the Same
10/7/2001	DH	PCT Search Report	LEX-0186-PCT	Walke	Novel Human Transporter Proteins and Polynucleotides Encoding the Same
10/9/2001	MK	IDS Postcard	LEX-0042-USA	Donoho	Novel Human Protease Inhibitor-Like Proteins and Polynucleotides Encoding the Same
10/12/2001	DH	PCT Written Opinion	LEX-0068-PCT	Turner, Jr.	Novel Human Galanin Family Proteins and Polynucleotides Encoding the Same
10/13/2001	MK	IDS Postcard	LEX-0132-USA	Donoho	Novel Human Proteases and Polynucleotides Encoding the Same
10/14/2001	PS	Information Disclosure Statement	LEX-0135-USA	Walke	Novel Human 7TM Proteins and Polynucleotides Encoding the Same
10/15/2001	DDT	Renewall - Send Client Reminder - korea	AK-84151-KOREA		Lexicon (Use - genetic engineering services)
10/16/2001	LKI	Enter Natl Ph - Ch II	MBH-98-594-B		Synthesis of Azetidine Derivatives
10/18/2001	DH	PCT Written Opinion	LEX-0070-PCT	Turner, Jr.	Novel Human Chordin-Like Proteins and Polynucleotides Encoding the Same
10/19/2001	LKI	Enter Natl Ph - Ch II	MBH-99-139.C	Kolb	Novel PPAR-y Agonists as Agents for the Treatment of Type II Diabetes
10/22/2001	PS	PCT Art 19 Amendment	LEX-0109-PCT	Walke	Novel Human Membrane Proteins and Polynucleotides Encoding the Same
10/24/2001	DDT	Filing Receipt	MBH-00-1193	Kolb	Regioselective Synthesis of Unsymmetrical Pyrazoles
10/25/2001	LKI	PCT Art 19 Amendment	LEX-0167-PCT	Hu	Novel Human Kinase Proteins and Polynucleotides Encoding the Same
10/25/2001	PS	PCT Art 19 Amendment	LEX-0167-PCT	Hu	Novel Human Kinase Proteins and Polynucleotides Encoding the Same
10/25/2001	NS	Filing Receipt	LEX-0369-PRV	Abuin	Novel Murine Polynucleotide Sequences and Mutant Cells and Mutant Animals Defined Thereby
10/27/2001	NS	Patent Application Publication	PH-0014-00000	Walke	Novel Human Membrane Proteins and Polynucleotides Encoding the Same
10/27/2001	LKI	PCT Publication	PH-0014-00304	Walke	Novel Human Membrane Proteins and Polynucleotides Encoding the Same
10/27/2001	PS	PCT Art 19 Amendment	LEX-0127-PCT	Donoho	Novel Human BCL-X Like Proteins and Polynucleotides Encoding the Same
10/27/2001	LKI	PCT Search Report	LEX-0195-PCT	Walke	Novel Human GABA Receptors and Polynucleotides Encoding the Same
10/27/2001	PS	PCT Search Report	LEX-0195-PCT	Walke	Novel Human GABA Receptors and Polynucleotides Encoding the Same
10/30/2001	MK	IDS Postcard	LEX-0167-USA	Hu	Novel Human Kinase Proteins and Polynucleotides Encoding the Same
11/1/2001	DH	PCT Written Opinion	LEX-0080-PCT	Donoho	Novel Human Melastatin-Like Proteins and Polynucleotides Encoding the Same
11/2/2001	PS	PCT Written Opinion	LEX-0081-PCT	Harras	Novel Human Transporter Proteins and Polynucleotides Encoding the Same
11/4/2001	DDT	Send Client Reminder U.S. Patent Maintenance Due 3.5 Years	TT-000313US	Berns	Office of Human Kinase Protein and Polynucleotides Encoding the Same
11/8/2001	PS	PCT Written Opinion	LEX-0083-PCT	Mathur	Novel Human Kinase Protein and Polynucleotides Encoding the Same
11/10/2001	PS	PCT Written Opinion	LEX-0085-PCT	Donoho	Novel Human ATPase Proteins and Polynucleotides Encoding the Same
11/12/2001	NS	Patent Application Publication	PH-0015-00000	Hu	Novel Seprin Transmembrane Proteins and Polynucleotides Encoding the Same
11/12/2001	DH	PCT Written Opinion	LEX-0086-PCT	Donoho	Novel Human Proteases and Polynucleotides Encoding the Same
11/12/2001	PS	PCT Written Opinion	LEX-0089-PCT	Turner, Jr.	Novel Human Membrane Proteins and Polynucleotides Encoding the Same
11/12/2001	PS	PCT Art 19 Amendment	LEX-0173-PCT	Mathur	Novel Human Lipocalin Homologs and Polynucleotides Encoding the Same
11/12/2001	NS	Patent Application Publication	LEX-0173-USA	Mathur	Novel Human Lipocalin Homologs and Polynucleotides Encoding the Same